

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LARRY CAGE,

Defendant.

8:03CR141

ORDER ON MOTION TO VACATE
SENTENCE AND RESENTENCING

On the 19th day of July, 2016, the defendant's Motion to Vacate Sentence ([Filing No. 144](#)) came on for hearing. The United States was represented by Assistant United States Attorney Michael P. Norris. The defendant was present and represented by his counsel, Richard H. McWilliams, Assistant Federal Public Defender.

The United States conceded that given the recent Supreme Court rulings in Johnson v. United States, 135 S. Ct. 2551 (2015) and Mathis v. United States, 2016 WL 3434400 (June 23, 2016) that defendant's Nebraska Burglary conviction no longer serves as a valid predicate for enhancing his sentence under the Armed Career Criminal Act and defendant is entitled to resentencing.

IT IS ORDERED:

- 1) Defendant's Motion to Vacate Sentence is granted;
- 2) Defendant is hereby sentenced to a period of time served as he has now served in excess of the ten-year maximum sentence under 18 U.S.C. § 922(g). The Court further imposes a three-year term of supervised release subject to the same conditions previously entered. Defendant is required to pay a \$100 special assessment. However, he shall receive credit for any sums previously paid toward his special assessment.

3) Defendant is advised that he has a right to appeal this sentence. Any appeal must be taken within fourteen (14) day s of the entry of this Order.

Date of Imposition of Sentence:
July 19, 2016

/s/ Lyle E. Strom
LYLE E. STROM, Senior Judge
United States District Court